

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, MAY 26, 2016

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, May 26, 2016, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Culver
Councilpersons:	Robinson, Showers
Councilpersons Absent:	Russell, Kling
Mayor:	Battle
City Attorney:	Riley
City Clerk-Treasurer:	Benion

President Culver called the meeting to order.

Reverend Carol Landry led the invocation;
Councilwoman Robinson led the pledge of allegiance.

President Culver asked that the record reflect that Councilman Russell and Councilman Kling were not in attendance at the meeting. He continued that in attendance were Councilwoman Robinson, Councilman Showers, and himself, noting that they had a quorum.

President Culver stated that the next item on the agenda was Approval of Minutes.

The minutes of the Regular Meeting of the Council on May 12, 2016, were approved as submitted.

President Culver stated that the next item on the agenda was Resolutions and Special Recognitions.

President Culver recognized Mayor Battle.

Mayor Battle asked Chief Mark McMurray of the Huntsville Police Department to come forward, noting that they had some presentations for persons who needed to be recognized and honored. He stated that, also, he believed Chief McMurray had some of his command staff present.

Chief McMurray asked Deputy Chief Giles and Captain Rice to come forward. He also asked Sgt. Dan Dean and Investigator Steven Lineberry to come forward.

Chief McMurray stated that it was a great honor to be able to make these presentations, noting that it was a part of his job that he looked forward to. He stated that in the Huntsville Police Department there were awards given out in several categories, and that they looked at these as rankings. He continued that the Lifesaving award was about the third highest ranking, unless, of course, one was the person who was being saved, in which case this would probably be the best award that could be given to a person.

Chief McMurray stated that he had two Lifesaving awards to be presented to these two courageous officers at this time. He stated that Sgt. Dean had been flagged down on September 7th by a motorist, and the motorist advised him of a vehicle that had left the roadway and careened down a 20-foot embankment on Little Cove Road. He continued that the vehicle was occupied

by four juveniles, one of which had a severe laceration to his forearm. He stated that when Sgt. Dean had realized the basic first-aid he was administering was not controlling the bleeding, he had applied a tourniquet to the young man's arm. He continued that the doctors at Huntsville Hospital had confirmed that Sgt. Dean's quick thinking by stopping the bleeding on this artery ultimately saved this young man's life, allowing him the time to get to the hospital where surgery could be performed. He congratulated Sgt. Dean, stating that they were very proud that he had taken control of this situation and saved this young person's life.

Chief McMurray stated that Investigator Lineberry had been an officer at the time of the incident for which he was being recognized, noting that he had recently been promoted to an investigator. He stated that on October 10, 2015, while on a meal break at Walmart, someone had advised him that a female had fallen inside the store. He stated that he had immediately found the female, face down, without a pulse, not breathing, and had immediately begun performing CPR and had had a store employee page for a doctor over the intercom. He stated that his quick actions and continuation of CPR had saved this woman's life, whom he noted had suffered an apparent heart attack. He continued that the woman was still alive at this time. He thanked Investigator Lineberry for this quick action that saved this woman's life.

Chief McMurray presented lifesaving medals to

Sgt. Dean and Investigator Lineberry, noting that there were two medals included, one for their dress uniform and one for their duty uniform. He again thanked Sgt. Dean and Investigator Lineberry.

Mayor Battle thanked the officers, and also their families who were in attendance at the meeting. He continued that they did a great job for the community.

Mayor Battle stated that he would also like to thank Captain Rice for the community activity at the North Precinct on the prior Saturday, noting that there were lots of people in attendance. He stated that Captain Rice had gone out to various churches soliciting donations for this event and had done a great job with it, noting that it was a great thing to mix the community with law enforcement, to make them all part of one big group for a day.

Mayor Battle asked Councilwoman Robinson to come forward, noting that they had some guests of Global Ties who were present at the meeting, and that Councilwoman Robinson would introduce them at this time.

Councilwoman Robinson stated that it was her pleasure to introduce the 2016 Legislative Fellows who had been hosted by Global Ties for the prior month. She asked that the persons stand as she called their name.

Councilwoman Robinson stated that from Pakistan there was Maria Ahmed, Talal Waheed, and Uzma Gul, and that from India there was Manbor Warjri. She continued that she had asked them

what lessons they were taking back to Pakistan and India with them, and they had advised her that it was to learn to speak more slowly, which she noted was a good lesson to take from the South. She continued that they had also said they had been very impressed with persons' spirituality and how comfortable they were with their faith, noting that she believed this was a great insight.

Councilwoman Robinson welcomed the Legislative Fellows to the United States, stating that they were certainly glad to have them in Huntsville and hoped they would come back again.

President Culver read and introduced a resolution congratulating Mrs. Gracie Lee Russell on the celebration of her 100th year of life, to be held at the Dr. Richard Showers, Sr. Recreation Center on Saturday, May 28, 2016, as follows:

(RESOLUTION NO. 16-347)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution congratulating Mr. Trent H. Griffin, Civic and Community Leadership Award Honoree, during the Fifteenth Annual Leadership Awards Banquet sponsored by the Huntsville Progressive Alumni Chapter, Inc., to be held at the Ernest L. Knight Reception Center, Alabama A&M University, on June 4, 2016, as follows:

(RESOLUTION NO. 16-348)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution congratulating Mrs. Cathy Anderson, Corporate Leadership Award Honoree, during the Fifteenth Annual Leadership Awards Banquet sponsored by the Huntsville Progressive Alumni Chapter, Inc., to be held at the Ernest L. Knight Reception Center, Alabama A&M University, on June 4, 2016, as follows:

(RESOLUTION NO. 16-349)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution congratulating Mrs. Joyce L. Rentz, Education Leadership Award Honoree, during the Fifteenth Annual Leadership Awards Banquet sponsored by the Huntsville Progressive Alumni Chapter, Inc., to be held at the Ernest L. Knight Reception Center, Alabama A&M University, on June 4, 2016, as follows:

(RESOLUTION NO. 16-350)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council

members present.

President Culver read and introduced a resolution congratulating Colonel William L. Marks, II, Government & Industry Leadership Award Honoree, during the Fifteenth Annual Leadership Awards Banquet sponsored by the Huntsville Progressive Alumni Chapter, Inc., to be held at the Ernest L. Knight Reception Center, Alabama A&M University, on June 4, 2016, as follows:

(RESOLUTION NO. 16-351)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution congratulating The Honorable Anthony Daniels, Governmental Relations Leadership Award Honoree, during the Fifteenth Annual Leadership Awards Banquet sponsored by the Huntsville Progressive Alumni Chapter, Inc., to be held at the Ernest L. Knight Reception Center, Alabama A&M University, on June 4, 2016, as follows:

(RESOLUTION NO. 16-352)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution

congratulating Ms. Tonita K. Phipps, Huntsville Progressive Alumni Chapter, Inc. Outstanding Alumna of the Year Award Honoree, during the Fifteenth Annual Leadership Awards Banquet sponsored by the Huntsville Progressive Alumni Chapter, Inc., to be held at the Ernest L. Knight Reception Center, Alabama A&M University, on June 4, 2016, as follows:

(RESOLUTION NO. 16-353)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution congratulating Mr. Erskine L. Valrie, Huntsville Progressive Alumni Chapter, Inc. Outstanding Alumnus of the Year Award Honoree, during the Fifteenth Annual Leadership Awards Banquet sponsored by the Huntsville Progressive Alumni Chapter, Inc., to be held at the Ernest L. Knight Reception Center, Alabama A&M University, on June 4, 2016, as follows:

(RESOLUTION NO. 16-354)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution congratulating Dr. Charles Rodgers, Religious Leadership Award Honoree, during the Fifteenth Annual Leadership Awards Banquet

sponsored by the Huntsville Progressive Alumni Chapter, Inc., to be held at the Ernest L. Knight Reception Center, Alabama A&M University, on June 4, 2016, as follows:

(RESOLUTION NO. 16-355)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution congratulating Mr. Michael Miller, Small Business Leadership Award Honoree, during the Fifteenth Annual Leadership Awards Banquet sponsored by the Huntsville Progressive Alumni Chapter, Inc., to be held at the Ernest L. Knight Reception Center, Alabama A&M University, on June 4, 2016, as follows:

(RESOLUTION NO. 16-356)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution congratulating Mrs. Alice F. Sams, William Hooper Council Distinguished Alumni Award Honoree, during the Fifteenth Annual Leadership Awards Banquet sponsored by the Huntsville Progressive Alumni Chapter, Inc., to be held at the Ernest L. Knight Reception Center, Alabama A&M University, on June 4, 2016, as follows:

(RESOLUTION NO. 16-357)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution commemorating the life of Deacon Dan Tibbs, Jr., as follows:

(RESOLUTION NO. 16-358)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Culver stated that the next item on the agenda was Announcements.

President Culver stated that items 16.b.2.a and 16.b.2.b had been deleted from the agenda.

President Culver asked if there were any other announcements.

President Culver recognized Councilman Showers.

Councilman Showers stated that he would like to acknowledge someone who had previously resided in the city, and whose mother was the director of the Harris Home, Mr. Chester Harris. He continued that he would be presenting an honorary resolution, on behalf of the Mayor and the Council, to the Harris family at an event at Oakwood University Church.

President Culver stated that the next item on the agenda

was Public Hearings to be Held.

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 16-255, rezoning property lying on the north side of Holmes Avenue and west of Cherry Street from Residence 2-A District to Neighborhood Business C-1 District, which hearing was set at the April 14, 2016, Regular Council Meeting.

President Culver recognized Ms. Ashley Nichols of the Planning Division.

Ms. Nichols stated that this property was approximately .75 acre, located on the north side of Holmes Avenue and west of Cherry Street. She continued that the property was currently zoned Residence 2-A, which was the original zoning of the property. She continued that the property was currently vacant, noting that previously it had been the location of an accounting and financial firm, which she noted had been located on the property prior to demolition several years prior. She stated that the property owner would like to petition that the property be rezoned from R2-A to Neighborhood Business C-1 District. She continued that this property abutted a neighboring C-1 District, which she noted was the original zoning designation for this area, as well.

President Culver asked if there was anyone in the audience who would like to address the Council on this particular matter.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the

Council, inquiring as to the exact location of this property, noting that it was pretty close to her neighborhood.

Ms. Nichols stated to Ms. Reed that she was located close to the intersection of Jordan Lane and Holmes, and the subject property was located east of her property, past the Holmes and Triana intersection. She stated that there was a new Dollar General located immediately west of this property, which was in the Business C-1 District. She continued that the subject property was directly east of the Dollar General Store. She stated that the rezoning was only for this particular parcel.

Ms. Reed asked if it was Butler School.

Ms. Nichols replied in the negative.

President Culver asked if there was anyone else in the audience who would like to address the Council on this particular issue.

There was no response.

President Culver stated that the public hearing was closed.

Councilman Showers moved for approval of Ordinance No. 16-255, rezoning property lying on the north side of Holmes Avenue and west of Cherry Street from Residence 2-A District to Neighborhood Business C-1 District, which ordinance was introduced at the April 14, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-255)

Said motion was duly seconded by Councilwoman Robinson.

President Culver asked if there was any discussion of the above ordinance.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson asked if this property was located next to the Seldon Center.

Ms. Nichols replied in the affirmative, stating that it was two doors down and indicating the area on a displayed map.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on Ordinance No. 16-255, and it was unanimously adopted by the Council members present.

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 16-257, rezoning property lying on the west side of Jeff Road and south of Capshaw Road from Residence 2 District to Residence 2-B District, which hearing was set at the April 14, 2016, Regular Council Meeting.

President Culver recognized Ms. Nichols.

Ms. Nichols stated that the subject property was approximately 47.47 acres, and that it was previously intended to be a subdivision, but the subdivision never came to fruition. She continued that the property had gone into foreclosure and had been purchased by Willowbrook Church. She

continued that the church would like to develop this property by putting their church in the rear. She continued that they also had intentions of possibly selling the front portions for multi-family development, noting that she believed they had some interested parties who would like to develop this property. She continued that they would like to rezone the property, noting that at this time it was zoned Residence 2 District, which she stated did not allow for multi-family development. She stated that they were proposing that the property be zoned Residence 2-B District, which she noted would accommodate the church as well as the proposed multi-family developments in the future.

President Culver asked if there was anyone in the audience who would like to address the Council on this particular matter.

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before the Council, stating that he wanted to raise his opposition to this particular zoning, in light of the fact that Huntsville's sister city, Madison, had already talked to them about their problem with urban sprawl and overpopulation, and the inability for the City to adequately serve its citizens in a manner which was befitting of the people who resided there. He stated that he would like to respectfully request, as he had in the past, that this was a fine time to slow the growth, growth which could only have a deleterious effect upon the citizens and the community, as well as the environment. He stated that he would

like to know why they wanted to continue to have this type of growth when there was no sign it was going to be beneficial to the area.

President Culver asked if Ms. Nichols could address Mr. Timberlake's concerns.

Ms. Nichols stated that the subject property had been in the city of Huntsville city limits since 2008, so this was not a newly annexed property. She stated that the request was merely to change the zoning from one Residential zoning designation to another.

President Culver asked if there was anyone else in the audience who would like to address the Council on this particular matter.

There was no response.

President Culver stated that the public hearing was closed.

Councilman Showers moved for approval of Ordinance No. 16-257, rezoning property lying on the west side of Jeff Road and south of Capshaw Road from Residence 2 District to Residence 2-B District, which ordinance was introduced at the April 14, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-257)

Said motion was duly seconded by Councilwoman Robinson.

President Culver asked Ms. Nichols how many units this property would accommodate, aside from the church.

Ms. Nichols stated that she was not positive on this. She

continued that in the future the owner would have to come in and subdivide the property into several properties, and then they could later turn in a layout, which would give the exact number of units. She stated that she was not certain how they wanted to subdivide the property, noting that she did not handle the subdivision process. She stated that this matter would come before Planning staff again in the future. She stated that from her understanding, the majority of the property would be the Willowbrook Church.

President Culver asked if there was any further discussion of the above ordinance.

There was no response.

President Culver called for the vote on Ordinance No. 16-257, and it was unanimously adopted by the Council members present.

President Culver stated that it was the time and place in the meeting for a public hearing on Ordinance No. 16-259, amending the Zoning Ordinance of the City of Huntsville, Alabama, Article 44, Commercial Industrial Park District Regulations, Section 44.1, Uses Permitted, to add mortuaries, funeral homes, and crematories, which hearing was set at the April 14, 2016, Regular Council Meeting.

President Culver recognized Ms. Nichols.

Ms. Nichols stated that the Planning staff had spent a couple of months basically reviewing some of their variance cases and a lot of ongoing issues they had had. She stated

that the location of mortuaries and funeral homes had been a matter that had been very reoccurring within the past two years, noting that they had had a lot of inquiries as far as different owners wanting to locate their businesses in the city, particularly within the prior 6 to 12 months.

Ms. Nichols stated that they had had approximately six calls, but that only three of them had actually submitted a formal variance request. She continued that all three of these had been denied. She stated that there was one that had recently been approved, in March, which was located in a Residential District. She stated that the specific districts where these particular uses could locate were Highway Business C-4 District and Light and Heavy Industry, but they were not permitted in the Residential districts, Neighborhood Business, or any of the other Commercial districts.

Ms. Nichols stated that the Planning staff had gone through all their districts to try and find another accommodating district where they felt this use might fit and had basically tried to provide another opportunity for their entry into this market. She continued that out of the variance cases, one had found a separate location, and the new location had been approved for a variance in March. She continued that two of the cases were Circuit Court cases, and that one had been dropped, and that one of the other interested parties had actually located in Tennessee because he could not locate within the specific area in Huntsville in which he wanted to

locate.

Ms. Nichols stated that this was just the opportunity to provide another location for these particular uses to locate in the future.

President Culver asked if there was anyone in the audience who would like to address the Council on this particular matter.

Ms. Jackie Reed again appeared before the Council, asking if this would be changing all the ordinance in the entire Commercial Industrial Development in the city. She asked if this had anything to do with Cummings Research Park in any way.

President Culver asked Ms. Nichols if she could address Ms. Reed's concerns.

Ms. Nichols stated that this was proposing to add only these particular uses within the Commercial Industrial Park District, that it would not affect the other Industrial districts. She continued that this was not a part of Cummings Research Park in any way.

President Culver recognized Mr. Timberlake. He stated to him that he wanted to apologize for not asking if his inquiries had been satisfied on the previous item on the agenda. He stated that if they were not, he should feel free to get with Ms. Nichols concerning this.

Mr. Ralph Timberlake again appeared before the Council, inquiring as to exactly what the benefit was that was being sought by this particular ordinance. He stated that from the

presentation, he could not see the benefits to the city that this was going to provide, or the relief that the variance these persons were seeking was going to provide. He stated that he believed the original ordinance had put forth some type of idea or goal they were trying to achieve and he would like to know what the new goal was and why this goal was necessary.

President Culver asked Ms. Nichols if she could address Mr. Timberlake's concerns.

Ms. Nichols stated that for the current districts where these uses were permitted, particularly with the Light and Heavy Industry districts, this particular language had been added in 1963, and that for the Highway Business C-4 District, this usage had been added in 1977. She continued that since 1977, there had not been any additions for this particular use, so that it was basically limited to these three districts, noting that with this the property owners might find a hardship as far as pricing, as far as location, and as far as the existing building size, noting that it might be greater than the need for their particular use, or whatever their circumstance might be. She stated that this was merely an opportunity to add this particular use to another district, which she noted might give some business in town an opportunity to relocate rather than being strapped to three particular districts.

President Culver asked Mr. Timberlake if this had satisfied his inquiries.

Mr. Timberlake replied in the affirmative.

President Culver asked if there was anyone else in the audience who would like to address the Council on this particular matter.

Mr. Tyler Truitt, 2720 Hood Road, appeared before the Council, stating that he had a follow-up to the previous question. He asked what the purpose had been in restricting these usages in the areas they had been talking about originally. He inquired further as to why the variances had been denied.

President Culver asked Ms. Nichols if she could address Mr. Truitt's inquiries.

Ms. Nichols stated that the three she had mentioned were three of the older districts in the city. She continued that previously funeral homes had been permitted in General Business C-3, which was the downtown area, but when C-3 had been rewritten, this usage had been removed, leaving only three districts as a possibility.

Ms. Nichols stated that the variances had been denied for various reasons, noting that it could have been the placement of whatever particular business a person might have been seeking to use in correlation to the nearest Residential districts, or it could have been traffic, noise, access, lighting, et cetera. She stated that that was up to the Board of Zoning Adjustment's discretion. She stated that all the requests that had been denied were in Residential

districts, and the majority were newly closed or existing vacant churches, which generally abutted residential neighborhoods and could cause an issue when they were right on top of each other.

Ms. Nichols stated that out of all the funeral homes operating in the city, there were four operating by variance, with the newest of these having received a variance in March. She continued that there were only three currently operating by right, with two being within Light Industry Districts and one being within a Heavy Industry District.

President Culver asked Mr. Truitt if this had satisfied his inquiry.

Mr. Truitt stated that what he was hearing in the answer was that the variances were basically granted on someone's discretion, without any real reason. He asked what would be the reason for restricting these uses on the property and how this reason would serve to benefit the public health, safety, and welfare.

Ms. Nichols stated that the Board of Zoning Adjustment handled all the variance and special exception cases. She stated that with a variance, a person had to prove that there was a use hardship, so that one basically had to prove that the property could not be used as it was zoned, noting that many of these uses had been used and utilized as they existed under the current zoning. She stated that funeral homes was not a permitted use under any Residential District or any other

Neighborhood Business Districts, nor was it their intent to add that particular use as a permitted use under either of those. She stated that it was up to the Board of Zoning Adjustment's discretion, and that if one did not prove to the Board that one had a hardship, the Board had the authority to deny the request.

President Culver stated to Mr. Truitt that if they had not satisfied all his inquiries, he should feel free to meet with Ms. Nichols for further discussion if he so chose. He asked if that would be all right with Mr. Truitt.

Mr. Truitt replied in the affirmative.

President Culver asked if there was anyone else who would like to address the Council on this particular matter.

There was no response.

President Culver stated that the public hearing was closed.

Councilman Showers moved for approval of Ordinance No. 16-259, amending the Zoning Ordinance of the City of Huntsville, Alabama, Article 44, Commercial Industrial Park District Regulations, Section 44.1, Uses Permitted, to add mortuaries, funeral homes, and crematories, which ordinance was introduced at the April 14, 2016, Regular Council Meeting, as follows:

(ORDINANCE NO. 16-259)

Said motion was duly seconded by President Culver.

President Culver asked if there was any discussion of the

above ordinance.

President Culver recognized Councilman Showers.

Councilman Showers asked Ms. Nichols if she could advise as to the location of the March variance approval.

Ms. Nichols stated that she was not certain if she had it at this time but noted that it was located near the intersection of Blue Spring Road and Winchester Road.

Councilman Showers stated that that was sufficient information, that he was aware of the location.

Ms. Nichols stated that at that location, there was a significant distance between that particular venue and the residential neighborhoods. She continued that in some of the other cases, there was a neighborhood immediately behind the location, and there may have not been access, nor would it have possibly been a good thing for the neighborhood. She stated that this was actually something that the Board saw as a fit. She continued that they would re-evaluate this in a year, and if there were any issues, they would have the right to revoke the variance.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated to Ms. Nichols that she had said that these businesses liked to move into vacant churches. She asked if there were more churches in Commercial Industrial Park Districts that would make it easier for such businesses to move into these locations. She continued that she was not certain what benefit the "Commercial Industrial Park" would

give them if they liked to move into churches.

Ms. Nichols stated that it was not that such businesses liked to move into churches, but that had been the large request they had seen in the prior year. She continued that this was mainly vacant churches, where the churches had either moved or had consolidated into other locations. She continued that most of these were within Residential Districts or in a Neighborhood Business C-1 or C-2 District. She stated that this was just their large request. She continued that they could go wherever they chose to build, or if they wanted to move into an existing building, they could do so. She stated that churches had just been very popular the prior year.

Councilwoman Robinson asked how this would help such businesses. She stated that there were vacant properties all over the city in Commercial Districts.

Ms. Nichols stated that the Commercial Districts where these businesses could go were Light, Heavy, and C-4. She stated that in C-4, there were not a lot of vacancies for the space that most likely these businesses would be looking for. She continued that Light and Heavy was primarily North and South Parkway. She continued that there were two uses located there by permit, and the other locations they had were all scattered throughout District 1, and she believed there was also one in District 4, as well. She stated that this would just merely give them another Industrial-type area where these particular uses could seek to go. She continued that it was

not a requirement that they would have to go in Commercial Industrial Park Districts, because they could locate their business wherever they thought they would do the most business and there would be good access and traffic flow. She stated that this would merely be another option.

Councilwoman Robinson stated that, also, it might be somewhat more suitable than a Heavy Industrial area.

Ms. Nichols stated that, actually, Heavy Industry had never been heavy industry, that it had mostly been commercial, with the locations being primarily along the highway. She continued that it was not as heavy as the Planned Industrial and not quite as far away as some of the Airport Industrial Parks, which might not be as accommodating as the Commercial Industrial Park Districts.

President Culver asked if there was any further discussion of the above resolution.

There was no response.

President Culver called for the vote on Ordinance No. 16-259, and it was unanimously adopted by the Council members present.

President Culver stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the City Clerk-Treasurer to assess the cost of the cutting and removing of grass and weeds against certain properties.

President Culver recognized Ms. Michelle Jordan, Director of Community Development.

Ms. Jordan stated that the subject resolution identified 21 properties that were in violation of the City's grass and weed ordinance. She stated that all 21 owners had received written notification that they were in violation of the City's ordinance and had been given 24 days to correct the violation. She stated that all 21 owners had failed to respond, and that Community Development had issued work orders to cut these properties. She stated that the owners had received a written request, by first-class mail, for payment for this work, and they had failed to respond. She continued that she was asking that these properties be assessed for these costs.

President Culver asked if there was anyone in the audience who would like to address the Council on this matter.

Mr. Ralph Timberlake again appeared before the Council, stating that he was rising in order to give some clarity to some of the problems they were having with which he had first-hand experience, concerning the Postal Service, with their absconding from rendering due process. He stated that they seemed to be able to not grant someone their mail, at their own capricious whims. He stated that to that end, he wanted to beseech the Council to find some other means to assure that the citizens were being notified of a particular adverse action or need that was before them.

President Culver asked Ms. Jordan if there was any other way they could communicate to residents other than by U.S. Mail. He continued that he was sure this was sufficient for

what they did, but asked if there was any other notice given, such as being placed on a door, or any other attempts to locate the property owners.

Ms. Jordan stated that they were following State law in mailing out notices, that that was the process they followed.

President Culver asked Mr. Timberlake if they had satisfied his inquiries concerning this matter.

Mr. Timberlake replied in the negative. He stated that he understood that there was the law and there was the intent of the law. He stated that the intent of the law was to notify. He continued that he believed the City had an obligation, legally and morally, to ensure that this would be done. He stated that to simply take the callous attitude that they were following the law was not something he believed this wonderful city embraced.

President Culver thanked Mr. Timberlake and stated that they would certainly take his concerns under advisement.

President Culver asked if there was anyone else in the audience who wished to address the Council on this particular matter.

There was no response.

President Culver stated that the public hearing was closed.

President Culver read and introduced a resolution authorizing the City Clerk-Treasurer to assess the cost of the cutting and removing of grass and weeds against certain

properties, as follows:

(RESOLUTION NO. 16-359)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson.

President Culver asked if there was any discussion of the above resolution.

There was no response.

President Culver called for the vote on the above resolution, and it was unanimously adopted by the Council members present.

President Culver stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the demolition of an unsafe building, constituting a public nuisance, located at 101 Whitney Avenue, NE, Huntsville, Alabama.

President Culver recognized Ms. Jordan.

Ms. Jordan stated that she was displaying photographs of the property in question. She stated that this resolution would authorize the demolition of an unsafe building, constituting a public nuisance, located at 101 Whitney Avenue, NE. She stated that this property had been initially inspected by staff on March 8, 2016, with further review on March 9 by an independent contractor, who had determined that the structure was not economically feasible to repair. She stated that an official notice had been sent by first-class and certified mail

on March 15, requesting demolition and removal of the structure by April 14. She continued that no action had been taken by the owners or interested parties and stated that she was now requesting authorization to abate this nuisance. She stated that the owner or interested parties might be in attendance at this meeting.

President Culver asked if there was anyone in the audience who would like to address the Council concerning this particular matter.

Ms. Sherroi Caffey Pleasure, 125 Lake Pointe Circle, appeared before the Council, stating that at this time she was representing her mother, Sherryl Snodgrass Caffey, the owner of the subject property.

Ms. Pleasure stated that prior to learning about this property, she had been granted legal guardianship of her mother because she was suffering from Alzheimer's. She stated that she had been unaware of any notifications that were coming by mail to her mother, noting that her mother was getting the mail and putting it up, and she had not known anything about it.

Ms. Pleasure stated that Mr. Crutchfield had gotten in contact with her, noting that he was a gentleman who bought houses and renovated them, and that he wanted to purchase the subject property, renovate it, and lease it out to A&M students. She continued that the location was right by A&M. She stated that Mr. Crutchfield had had someone come out and do a Home Study and that it had passed inspection. She continued

that they had entered into a contract for him to purchase this property. She stated that Mr. Crutchfield was present at the meeting. She stated that he had restored other houses in this neighborhood, and that he had photographs that he could show of a house that was in similar condition to the subject property, and that he had been able to renovate it and save it and rent it out to A&M students, as well.

Ms. Pleasure stated that she was appearing before the Council in an attempt to stop the demolition of this property and to be able to sell it so it could be renovated and used.

President Culver asked if there was anyone else in the audience who would like to address the Council on this particular matter.

Mr. Carl Fallin, 203 Hawks Crest Circle, appeared before the Council, stating that apparently whoever had decided to put this item on the agenda had not recognized the historical significance of this property. He continued that he would like to tell them a story.

Mr. Fallin stated that this property was the church for Fellowship Presbyterian Church, the fine structure that one could see on Meridian Street at this time, noting that it was not always that structure. He stated that this church had begun on this property, with a few of the residents of Edmonton Heights who were the founding members of Fellowship Presbyterian Church. He stated that Rev. Ezekiel Bell, who was a Chicago theological student graduate, had been sent to

Huntsville by the Presbyterian Church to create a Presbyterian Church for Negroes in North Alabama. He stated that that was what they were called at that time, and he would use that word.

Mr. Fallin stated that this church also became a resting place for Dr. King when he had visited Huntsville in 1962, because he and Rev. Bell were good friends.

Mr. Fallin stated that to tear down this structure would be to tear down black history. He stated that if they wanted to tear down black history, they could tear it down, but that they should let the voters know, if they were running for something, that this was what they were doing.

Mr. Fallin stated that he believed whatever the City had in terms of resources needed to come forward in order to avoid this travesty, because this was black history. He stated that this property might be saved by the contractor who was present at the meeting, and that this would be a noble thing, but the City should get with him and help finance this, because this was black history.

Mr. Fallin stated to Councilman Showers that this was their history. He stated that Rev. Bell had been quite influential in agitating for civil rights during his early stay in Huntsville. He stated that this history needed to be cherished and not demolished.

President Culver asked if there was anyone else in the audience who would like to address the Council on this

particular matter.

Mr. Joseph Lee, 5104 Sunrise Trail, appeared before the Council, stating that he was also interested in African American history in Huntsville, and he believed the gentleman who had just spoken had provided some very useful information. He stated that, first, he would like to say that he believed the Community Development Department was doing a wonderful job, that he believed the structure was in bad shape, and that it did need to be addressed. He stated that, however, at the same time, he felt they might be losing valuable history in Huntsville. He stated that they did not have very much to show the Civil Rights era in Huntsville, that most of those structures had been demolished.

Mr. Lee stated that this structure was significant because when Dr. King had come to the city in the 1960s to speak at Oakwood College, he had no place else to stay because of segregation. He stated that in saying this he was not trying to cast any aspersions on the city, or anything such as that, that it was just the era they were in at that time. He stated that he believed they needed to recognize this era and capture the history.

Mr. Lee stated that the Council was doing a very good job with the new entranceway into the city coming off Governors Drive that was being named after a civil rights leader, and they had honored Dr. King with a road being named after him. He stated that, however, they had no physical

structures they could look at and say that this represented the civil rights era in Huntsville, Alabama.

Mr. Lee stated that if for some reason the structure had to be demolished and the Council decided to do this, he was requesting that the building be thoroughly studied and documented, as to exactly how it was laid out. He continued that he would also request that the City consider putting a historical marker at the location. He stated that, however, the ideal situation would be if they could find a way to use the building to tell the story of the city in some fashion. He continued that that would be great.

President Culver asked if there was anyone else in the audience who would like to address the Council on this particular matter.

Ms. Jackie Reed appeared before the Council, stating that she had to get involved in this. She stated that there were two sets of rules in the city, one for the rich and one for the poor. She stated that if the owner did not want this house torn down, she would beg them and tell them to go and tear down Reid Hardware that they had paid \$197,000 for, noting that it looked as bad as the subject property did. She asked them about Terry's Pizza also. She asked why they did not donate a little money to save this house for the owner and give them three or four months to renovate it. She stated that Ms. Pleasure had stated that she had a contract on it. She stated that she was begging the Council to not tear down this

house. She stated that she had talked to the Council previously about a house in this historical district, and no one would listen.

Ms. Reed stated that it was the public the Council members needed to listen to. She asked them to save this house. She stated that it was for sale, they wanted it saved, and that she was expecting the Council members to do the right thing for the right reasons.

President Culver asked if there was anyone else who would like to address the Council on this particular matter.

Mr. Ralph Timberlake again appeared before the Council, stating that the City, the State, and the nation had seen fit for the preservation of historical markers, and it was sad and a shame that there were very few structures or historical factors that gave credence to diversity in the city. He stated that this appeared to be a great opportunity for them to do something in this area.

Mr. Timberlake stated that this particular structure, if his memory served him correctly, was located in a historical district of Alabama A&M University, where Councilman Showers had matriculated through and where President Culver had taught. He stated that to that end, this showed the wonderful successes and the wonderful sacrifices that had been made by people in the city to make it great. He stated that there were a lot of historical sites on one side of town, but they had few, if any, on the other side, or few, if any, that recognized the citizens

of color in the area. He stated that they had commemoration for the Confederacy, they had commemoration for everything except this.

Mr. Timberlake stated that he hoped the Council members could find in their hearts to make this a historical marker. He continued that he was aware they were working on Council Training, as well, on this side of town, but that this would give them something on the other side of town. He stated that as a voter in that district, he sincerely entreated and beseeched the Council to consider the salvation and renovation of this particular property for the preservation and edification of the city and its citizens to come.

Mayor Battle stated that the Administration would like to ask that this matter be held over to the next Council meeting so they could determine if this home was really going to be renovated, if they were really talking about fixing up this home.

Mayor Battle stated that this had not just happened recently, stating that persons could look at the photographs displayed. He stated that persons who had been living next to this property had been there for a long time and were saying that there were vermin at this location, and that the homeless were living there, et cetera. He stated that they had heard many stories about this property.

Mayor Battle stated that if someone was going to come in and actually fix it up, this would be a great thing, and they

would be glad to work with them and would have them work with Ms. Jordan.

Mayor Battle stated that they could put this off for two weeks and see if somebody was really going to fix it up, noting that if so, he believed this would be a great thing. He asked Ms. Jordan how many years the residents in this neighborhood had been putting up with this property.

Ms. Jordan stated that the City had been dealing with this property for almost 20 years, since 1977. She stated that at this time they had \$2400 in outstanding liens for cutting the grass, noting that they had cut the grass 23 times. She continued that they had issued seven junk notices, and they had the unsafe building notice.

Mayor Battle stated that all this said that whoever owned this house had not been a good neighbor. He continued that there might be a reason why this person had not been a good neighbor, but they had not been a good neighbor. He stated that there were neighbors in the area who were concerned about this property.

Mayor Battle reiterated his request to put the matter off for two weeks and let Ms. Jordan get with the contractor, and if they were going to be able to rebuild it, he felt that would be a wonderful thing. He thanked Mr. Crutchfield for stepping forward to do this.

President Culver asked if there was anyone else in the audience who would like to address the Council on this

particular matter.

Pastor T.C. Johnson, 1800 Sparkman Drive, appeared before the Council, stating that he had been given a class in history at this meeting. He stated that he was well aware of the works of Rev. Bell, and he was well aware of the situation that Dr. King could not sleep in a hotel, but he had not been aware that this was the house where he had stayed, that he had not known that until this moment. He stated that he appreciated the fact that the contractor would be coming in, and the Mayor was willing to work with him.

Pastor Johnson stated that, however, he believed what had been said was more significant than a contractor. He stated that this property should be a historical landmark in the city, because Dr. Martin Luther King did not affect just Alabama or the nation, but the world. He continued that freedom initiatives were still being motivated based upon Dr. King's particular work. He stated that he believed they would miss a chance, as a City that provided money for a lot of things, if they did not ensure that this property would remain. He stated that he did not disagree that they had been a bad neighbor, that that went without saying, and he also felt the passion of this daughter who had said her mother was ill. He stated that if the contractor would fix it, he understood the City would work with him, but stated that he felt they were missing a very important point.

Pastor Johnson stated that this was a place where

Dr. Martin Luther King had to sleep when he came to Huntsville in his work for freedom throughout the nation, and that if Huntsville as a government and as a City Council and as a community did not place a burden to hold this in some sort of way, it would be negligent on their part. He reiterated that he appreciated what Mayor Battle had said about the contractor and working with him to fix it up, but stated that he felt they were missing the point that this should be significant to everyone in the city, and that it was certainly significant to those persons in the city who realized that they could now go to Alabama University, and wherever they wanted to, and that others, women and all kinds of persons, had liberties now that had worked out under the same spirit of Dr. King.

Pastor Johnson stated that he believed this was an opportunity for persons, as a city, to say this was something they had to remember. He stated that they had a place where the slaves were in the city, that they visited that on tours in the city. He stated that this should be another tourist attraction, that when persons came to Huntsville, they could be told that this was where Dr. Martin Luther King had stayed. He continued that this would give persons a reason to come to the north side of town.

President Culver asked if there was anyone else who wished to address the Council on this particular matter.

Mr. Michael Crutchfield, 7 Old Cove Place, SE, Gurley, appeared before the Council, stating that he had just met

Ms. Pleasure approximately two weeks prior. He stated that he had a property located near this property that had been in much worse shape than the subject property. He continued that they had a signed contract on the subject property, and they were ready to start the repairs, that they were just waiting on the Council. He stated that two weeks was a pretty long time. He stated that if the Council would approve not to demolish this property, they would get started on it as soon as possible.

President Culver asked if there was anyone else in the audience who would like to address the Council on this particular matter.

Mr. Tyler Truitt, 2720 Hood Road, appeared before the Council, stating that he believed the bottom line was that the property was someone's private property, and that it obviously meant a lot to them because there were so many persons present at this meeting to defend it. He stated that he believed what they chose to do with the property was really their business, whether they wanted to fix it up and make a historic site out of it or whether they wanted to bulldoze it to the ground. He stated that he felt that should be left up to them to decide, not the City. He stated that if the City wanted to help them fix up the property, that would be fine, but to take that choice away from them and bulldoze it down would be wrong.

President Culver asked if there was anyone else in the audience who would like to address the Council on this particular matter.

There was no response.

President Culver stated that the public hearing was closed.

Councilwoman Robinson read and introduced a resolution authorizing the demolition of an unsafe building, constituting a public nuisance, located at 101 Whitley Avenue, NE, Huntsville, Alabama, as follows:

(RESOLUTION NO. 16-360)

Councilwoman Robinson moved for approval of the foregoing resolution, which motion was duly seconded by President Culver.

Councilwoman Robinson moved to postpone consideration of the above resolution until the next Regular Meeting of the Council, on June 9, 2016, which motion was duly seconded by Councilman Showers.

President Culver stated that he would like to offer a friendly amendment to Councilwoman Robinson's motion, that rather than postponing the resolution for two weeks, that it be postponed for 30 days.

President Culver called for the vote on Councilwoman Robinson's motion as amended, and it was unanimously approved by the Council members present.

President Culver stated that the next item on the agenda was Communications from the Public. He stated that as a person's name was called, the person should go to the microphone and state their name and address, and they would have approximately three minutes to address the Council.

Mr. Ralph Timberlake, 2117 Atkins Drive, appeared before the Council, stating he was always pleased that the Council saw fit to hear from the public, noting that it was a rare occasion that the leaders were not afraid of the people whom they served. He stated that there were a lot of areas where there were certain leaders who had some trepidations, unnecessary and unwarranted, in fearing the public coming before them and aiding and assisting them in better serving them and doing the job which they had taken an oath to do, being to benefit their community.

Mr. Timberlake stated that he was concerned about the transparency that was lacking in some areas, and that although it might seem a little intrusive for the Council to entertain this, he would assure them it was not. He stated that as the Council approved certain Board members, particularly to the Huntsville Hospital Authority, who absconded from allowing their subcommittee meetings to be available to the public, that this was ludicrous. He stated that when he went to these meetings and heard them talk, he knew nothing, that he was dumber when he left than he was when he had gotten there. He stated that, however, when he was able to go the Airport Board subcommittee meetings, he was edified and able to make a more informed decision about the appreciation of the work his leaders were doing on his behalf in the city.

Mr. Timberlake stated that the Huntsville Hospital Authority was a separate Board, and the Council was not to

micromanage them, but he entreated them to assign persons to that Board who would be amenable to making their committee meetings open. He stated that it was a shame, because each time he had gotten an Attorney General's ruling on this, it appeared that these meetings were supposed to be open, but he was advised that they were not. He stated that since he wanted to be a respectful citizen and conduct himself in an orderly and respectful manner, he had to come and entreat those who could assist him in getting this done. He thanked the Council for being allowed to speak.

President Culver stated to Mr. Timberlake that he believed his request had been received, that the protocol was submitting a written request for records, and he believed the City Attorney would be addressing this with Mr. Timberlake as soon as practicable.

Mr. Tyler Truitt, 2720 Hood Road, appeared before the Council, stating that affordable housing was not a crime, that sustainable living was not a crime. He asked if anyone on the podium disagreed with his statements. He stated that most of them most likely already knew who he was, and that he knew the Mayor knew who he was. He continued that for persons who might not know who he was, he would present his story.

Mr. Truitt stated that he lived in a manufactured home, located on two acres of land in a secluded area. He continued that he had no City utilities hooked up, that they used solar power and rainwater to supply their needs. He stated that they

had what most people called a "green lifestyle." He stated that their home and land was 100 percent bought and paid for, in cash, that they lived a debt-free lifestyle. He continued that he lived this way not by necessity but by choice, that he lived this way because this home and this life was his dream.

Mr. Truitt stated that for the prior year, the City of Huntsville had been trying to take this home and this dream away from them, that they were trying to force them out of their own home and off their own property, all because they lived in a manufactured home, or what they called a "trailer," and he did not have City utilities hooked up. He stated that he had had guns drawn on him and threats of arrest and jail if he did not leave. He continued that his house had been condemned for unsafe conditions.

Mr. Truitt stated he had been told by one City official that he would rather for them to be homeless than to keep living in their own house. He stated that why this was he was really not sure, but that it was probably because his house was not pretty enough or expensive enough for the City, or maybe it was because he was not paying a massive utility bill each month. He stated that no one else was getting rich off his lifestyle, and he was sure they did not like that.

Mr. Truitt asked if someone would please tell him what was unsafe about solar power and what was so bad about living in a trailer that the City would label it a "public health and safety violation." He stated that they should be honest about

this, noting that it was about money. He stated that ordinances like 73.3.1 and all the City's so-called "beautification ordinances" amounted to noting but outright economic discrimination, and they disproportionately impacted low-income neighborhoods. He stated that the persons on the podium did not want lower class families owning a house inside the city. He stated that low-income families were renting and paying out money to other persons on a monthly basis.

Mr. Truitt stated that almost 15 percent of Alabamians lived in manufactured housing, and many more had lived in such housing at some point during their lives. He continued that at a time when the average price of starter homes had increased almost 300 percent in the last decade, manufactured homes were a major source of affordable housing for young and low-income families. He stated that Mundy Homes, a dealer of manufactured housing, operated in Huntsville, right off the Parkway, in plain sight, yet he was not allowed to live in a product they sold within the city. He asked why else other than money would the City want to take that option away from him.

Mr. Truitt stated that low-income neighborhoods also bore the brunt of citations and fines. He stated that one should go down to the Municipal Courthouse on any Wednesday morning and see what he was talking about, noting that there were lines of people waiting to pay off fines for the most trivial offenses, that old ladies were being harassed for not keeping their lawns perfectly manicured, and persons were threatened over paint

that did not match on their houses. He stated that the City inspectors preyed upon the old, the poor, and the disadvantaged, that it was absolutely disgusting.

Mr. Truitt stated that his case was just one of many cases all over the city, but it had opened his eyes to a problem. He stated that persons were tired of being bullied and harassed by their own tyrannical governments, which governments thought they knew how to run their lives better than they did.

President Culver advised Mr. Truitt that his time was up.

Mr. Truitt stated that he would like to continue.

President Culver stated that he was sorry, but Mr. Truitt's time was up. He stated that they would address Mr. Truitt's concerns.

President Culver asked if there was a representative of Huntsville Utilities in attendance at the meeting.

Mr. Gary Whitley of Huntsville Utilities appeared at the microphone.

President Culver stated to Mr. Whitley that he had heard two major concerns from Mr. Truitt and stated that the first one concerned being "off the grid." He asked what Huntsville Utilities' perspective was on persons living off the grid, if it was encouraged or if people were penalized, or what was the perspective of Huntsville Utilities.

Mr. Whitley stated that the perspective of Huntsville Utilities was relative to a City ordinance that required that residents within the city limits have City

utility services. He stated that residents who opted to participate with solar power were required to have a separate meter for that purpose, to use solar power, so that it generated for their use and also back into the grid for use amongst the community.

President Culver stated that the second major concern of Mr. Truitt was related to manufactured homes, and public health and safety violations.

President Culver asked Mr. Riley to address this matter. He continued that he believed the City of Huntsville ordinances allowed trailers to be in the city limits, but they had to be in a trailer park, in an area designed for trailers. He asked if that was still applicable or if they just threw everybody out who lived in a manufactured home.

Mr. Riley stated that President Culver was correct, and that it would be incorrect to say that mobile homes were not allowed within the city limits of Huntsville. He continued that they were allowed within certain districts and in certain places, in mobile home parks. He stated that he was not in a position to extrapolate at this time on the finer details of all the zoning requirements, but he did know that mobile homes were allowed in the city, noting that he passed them and saw them daily. He continued that, however, they were required to stay in such areas as would go along with the zoning requirements, just as any other activities, types of housing, types of business activities, had to be conducted within the

confines of the zoning laws that were in place.

President Culver stated that there were two trailer properties in the district he represented, District 5, and he had not had any complaints from residents who lived in those areas. He continued that, in fact, he had owned and lived in a trailer off Johns Road several years prior, and that trailer park was still in existence. He stated that he was happy to know that the City did not discriminate against persons based on that.

President Culver recognized Mr. Jim McGuffey, Manager of Planning Services.

Mr. McGuffey stated that he just wanted to follow up on what Mr. Riley had said. He stated that the City did allow trailers, that they had to go into trailer parks, but they did allow trailers in the city of Huntsville.

President Culver asked if it was correct that if he chose to move back to Johns Road, he could do so.

Mr. McGuffey stated that that was correct, if it was in a trailer park.

Mr. Russell Borman, 301 Holmes Avenue, appeared before the Council, stating that he was in attendance at the meeting to speak about item 13.a on the agenda. He asked if he should speak at this time or wait until the item came up on the agenda.

President Culver stated that Mr. Borman could speak at this time.

Mr. Borman stated that he had a question about this ordinance, Ordinance No. 16-327. He asked if this had been brought before the Planning Commission and if public input had been received concerning it from those persons it directly affected. He asked if public notification to the persons this directly affected had been made. He stated that he lived in the area, and he had not received any kind of notification that this ordinance was being considered. He stated that he believed the public had not had an opportunity to voice their concerns or opinions about this expansion of the Entertainment District directly in front of their houses.

Mr. Borman stated that he had had discussions with Councilman Russell concerning this matter, and he had been led to believe the item was going to be withdrawn from the Council. He stated that other residents of his building were in attendance at the meeting, and he believed they were also in opposition to this. He stated that he saw that this was still on the agenda of the Council for this meeting, and he saw that the proposal had remained unchanged and incorporated the area. He stated that they would like to request that this be sent back to Planning so they could receive input from persons that this directly affected.

President Culver stated that he believed it was their intention, as a Council body, to honor the request of a Council member, and that Councilman Russell had requested that this item be postponed.

Mr. Borman thanked President Culver. He stated that they intended to approach the Planning Commission, or whoever the Board might be that would review this, to provide input.

President Culver asked if this was satisfactory with Mr. Borman, to wait and speak at a later date.

Mr. Borman replied in the affirmative.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, expressing appreciation to President Culver for attempting to answer persons' questions.

Ms. Reed stated that the Entertainment District in the city needed to go before the Planning Commission, and the persons affected needed to be notified. She stated that they were reaching through the whole city, and that if they wanted to turn the entire city into an Entertainment District, they should have at it, but they were going to have some troubles from the public. She stated that she would like to see the city taken back like it used to be, that she was trying to take back Huntsville.

Ms. Reed stated to Mayor Battle that she saw a lot of good things happening on Channel 42, that every time she turned the TV on she saw things she had not seen for 30 years, that they were educating the public, and it was a good time, because it was election year. She continued that she had not known some of these things herself. She urged persons to watch Channel 42, because between this time and August 23rd, they were being educated in the city. She stated that, however, the

BIG Picture was one thing, but she had the real picture. She continued that she was not on Channel 42 yet, and she did not know if they were going to give her a space or not. She stated that if they didn't, she would have to show her plan somewhere else.

Ms. Reed stated that Huntsville was a beautiful city, and it had great people, and she loved them all.

Ms. Reed stated that she had attended the Adtran meeting on CRP, Cummings Research Park, and that word had gotten her upset. She stated that what they were doing at Cummings Research Park was really bothering her. She continued that she was worried about what was going on in the city and stated that she could not do anything about it by herself. She stated that they had paid a consultant \$197,000 to come into Cummings Research Park and advise them on this. She stated that her daughter worked for one of the contractors in the city, and she was Director of Small and Large Businesses. She stated that she wanted to thank all the businesses, such as Teledyne, Adtran, Lockheed, and Boeing, all the companies who had given them life in the city for many, many years. She stated that she had worked at Teledyne many years prior.

Ms. Reed asked why they did not have someone in the City Administration and the Chamber of Commerce to unite and try to fill the empty buildings in Research Park. She stated that they did not need to get that area ready for another Entertainment District, that they needed to help fix up the

buildings and bring businesses into the city. She stated that this was Cummings Research Park, and that it did not change and turn into the Master Plan that she had seen the Mayor put out. She continued that she was not happy with it, and that she had been fussing about it for two or three months. She stated that she was aware they were going to hold up a lot of things until after the next election, noting that the Stars/Coca-Cola Plant was going to be one of them, and tearing down Joe Davis Stadium was going to be another one. She stated that she wanted all this stuff brought forward at this time, that they should quit putting everything on the back burner, that she wanted to hear about the city at this time.

President Culver asked Mayor Battle if he would like to address Ms. Reed's question about someone in his administration filling the empty buildings in Research Park.

Mayor Battle stated to Ms. Reed that the City contracted with the Chamber of Commerce to work with them year by year, that they gave them approximately \$200,000 to market Research Park for them. He stated that the Chamber had recently hired Erin Koshut, a very, very qualified person who had done a great job. He stated that she was the one who had brought together the new Cummings Research Park Plan, and that she had done a marvelous job with it.

Mayor Battle stated that the new plan that had just come out was now going through a dozen to 15 stakeholder groups, persons who actually worked in the Park, owned property in the

Park, or companies that were in the Park. He continued that UAH was a part of the Park. He stated that Ms. Koshut was going through all different sectors of the Park to make sure that the plan when it came out was not just a plan that was put together by a consultant who came in but was a plan that everyone would buy into. He stated that this was one of the reasons they went to everyone, that this was one of the reasons they had their roll-out meeting, to let people know that there was a new plan out there.

Mayor Battle stated that this plan was not a static plan, that this was the first bite at the plan, that the plan would change as they moved along. He stated that as the plan changed, it would turn into something that would work for everybody in the city. He stated that that was the reason they rolled it out to start with, and that was the reason they were not voting on it until September or October. He continued that the reason they wanted to bring the plan out was so persons could have input into it. He stated that it had to be everybody's plan, that it could not be the City of Huntsville's plan, it could not be Research Park's plan, it could not be the Chamber of Commerce's plan, it could not be the Teledyne plan or the Raytheon plan, that it had to be everybody's plan, and everybody had to have a portion in it. He reiterated that that was the reason they had started the process at this time of going through the master planning of Research Park.

Mayor Battle stated that the Park was 50 years old, and

the buildings that were empty were often 50 years old. He stated that they had to give some kind of reason and work with persons so they could get the 50-year-old buildings either renovated, rejuvenated, or taken down and have new buildings out there in which persons would work.

Mayor Battle stated that they were doing very well as a Research Park, that they had 87 percent occupancy at this time. He stated that that was a great thing, but the thing they had to look at in the future was how they would fit into the 21st Century, with a 21st Century type park. He continued that that was what they were doing at this time.

President Culver stated that the next item on the agenda was Board Appointment Nominations. He asked if there were any nominations at this time.

There was no response.

President Culver stated that the next item on the agenda was Approval of Expenditures.

Councilman Showers read and introduced a resolution authorizing expenditures for payment, in the amount of \$7,293,155.83, as follows:

(RESOLUTION NO. 16-361)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by President Culver.

President Culver asked if there was any discussion of the above resolution.

There was no response.

President Culver called for the vote on the above resolution, and it was unanimously adopted by the Council members present.

President Culver asked Councilman Showers if there was a Finance Committee Report.

Councilman Showers stated that there was not a Finance Committee Report, but he would like to ask Ms. Peggy Sargent, Director of Finance, to share some good news about the City's ratings at this time.

Ms. Sargent appeared before the Council, stating that in preparation for some future activities, they had gone to update the City's ratings, and they had maintained the record of AAA ratings with both Standard & Poor's and Moody's.

President Culver asked if any of the Council members had any questions concerning this matter.

There was no response.

President Culver stated to Mayor Battle that that was an awesome report. He stated that this had been started in a different administration and had carried over into Mayor Battle's administration and was continuing, and that this was a great thing.

President Culver stated that the next item on the agenda was Communications from the Mayor.

President Culver recognized Mayor Battle.

Mayor Battle stated that the Alabama League of Municipalities had met in the city the prior week, and that one

of the common things persons had said about the area was that they had no idea Huntsville was such a great community. He stated that several City departments had worked together to make this a great event. He continued that the event had brought in mayors, Council members, and City municipal officials from all over the state, and they had been able to show off the city.

Mayor Battle stated that on the prior day, St. Mary of the Visitation had had their First Responders Breakfast. He stated that he had not been able to attend this event, but he wanted to say "Thank you" to St. Mary of the Visitation for honoring those who did such a great job.

Mayor Battle stated that Memorial Day was coming up soon, and that it would start at 7 a.m. with Cotton Row Run, that the Memorial Day ceremony at Maple Hill Cemetery would be at 11 a.m., and there would be a Memorial Day ceremony at the Veterans Museum at 7 p.m. He invited everyone to come out and be a part of these activities.

Mayor Battle made the following appointments:

Charles Sealy to the Alabama Constitution Village/Historic Huntsville Depot Board, to fill a term to expire June 26, 2016.

Reappointment of Charles Sealy to the Alabama Constitution Village/Historic Huntsville Depot Board, for a one-year term to expire June 26, 2017.

Mayor Battle stated that because of Mr. Sealy's experience in building things, such as they had seen with The Avenue, and

there being lots of building to be done at Constitution Village, he wanted to go ahead and get Mr. Sealy on the Board at this time, to fill the term of someone who had left the Board. He continued that he was also appointing him to a full term upon the expiration of the term to expire June 26, 2016.

President Culver stated that the next item on the agenda was Communications from Council Members.

President Culver recognized Councilman Showers.

Councilman Showers stated that on the following day at 12 noon, final services would be held at the Indian Creek Primitive Baptist Church for Mr. Dan Tibbs, Jr.

Councilman Showers stated that he would be presenting a resolution to Gracie Lee Russell on the following Saturday at the Showers Center at 2 p.m., noting that she would be celebrating her 100th birthday.

Councilman Showers stated that on the following Saturday at 4 p.m., there would be the Memorial Day music fest, at the Jaycee Fairground. He stated that he would be presenting certificates to honor the guests who would be performing at the event.

Councilman Showers stated that also on Saturday, beginning at 12 noon, the NAACP would be sponsoring a Get-Out-the-Vote rally, and they had invited all persons running for the various offices to come and address the group. He stated that this would be at WEUP from 12 noon until approximately 6 p.m.

Councilman Showers stated that on the following Sunday,

the Memorial Day music fest would continue, at 1 p.m. He reiterated that this would be at the Jaycee Fairground and stated that all were invited.

Councilman Showers stated that on Tuesday, May 31, at 2 p.m., there would be a ribbon-cutting for the new splash pad at the Showers Center.

Councilman Showers stated that he had also received very favorable comments concerning the League of Municipalities meeting. He stated that this meeting had been for persons from all over the state, mayors, Council persons, clerks, attorneys, and that they had expressed how much they appreciated the hospitality they had found in the city.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson stated that on May 14th, the South Huntsville Business Association had hosted its first Springfest. She continued that they hoped this would become an annual event. She stated that the weather had been gorgeous, and the event had been very well attended. She stated that the purpose of the event was to highlight the businesses on South Parkway, noting that while they were experiencing some challenges at this time with the construction, they were open for business, and the Association wanted people to be aware of this. She stated that all the merchants had turned out in force for the event, and there had been music and free food. She stated that they would like to thank David Martin and his assistant, Dana, and others at Rosie's who had helped host the

event.

Councilwoman Robinson stated that the South Huntsville Business Association had proven to be a very effective advocate for the businesses in South Huntsville, and that they looked forward to having more events such as the Springfest.

Councilwoman Robinson stated that another great event would be taking place in South Huntsville on Saturday, June 11, from 11 a.m. until 4 p.m., at Ditto Landing, noting that this would be the first Marina Day celebration, and that there would be food, music, and all kinds of activities going on. She stated that Ditto Landing was another wonderful opportunity site that was being developed in South Huntsville, and they wanted to invite everyone to come down and see what was going on at Ditto.

Councilwoman Robinson stated that high school graduations were going on in the city at this time, and there would be many students crossing that stage into their future. She stated that she certainly wished them the best.

Councilwoman Robinson stated that Memorial Day was coming up, noting that her father had fought in World War II, Korea, and Viet Nam. She continued that she wanted to honor those brave men and women who had given the ultimate sacrifice in defense of others' freedoms. She urged persons to participate in the Memorial on Monday evening at 7 p.m., noting that the AMC Band would be playing. She thanked WHNT for hosting this event.

Councilwoman Robinson stated that she had also attended the First Responders appreciation event at St. Mary's. She stated that it was certainly wonderful for the persons at St. Mary's to recognize all the First Responders, noting that present were fire fighters and persons from the Sheriff's Department and the Police Department. She stated that in keeping with that, she would like to read just a part of an email she had received from Lyle Voyles, who was the President of the Huntsville Council of Neighborhood Associations, and also very active with the Chaffee Neighborhood Civic Association.

Councilwoman Robinson stated that Mr. Voyles had written a letter to Chief McMurray honoring Officer Marcus Hendrix, who had been the Community Resource Officer for South Huntsville for several years and who had been promoted and was at the Police Academy. She continued that in that position, he would be a wonderful example to the young officers coming in.

Councilwoman Robinson stated that she believed the letter from Mr. Voyles applied to all officers, as they honored the First Responders this month. She read as follows:

"On behalf of the Chaffee Neighborhood Association and Community Watch, I want to express our sincere gratitude for the tireless effort that Police Officer Marcus Hendrix devoted to our community as a Community Resource Officer. Police Officer Hendrix's professionalism reflects the high standard of a police officer, exemplifies the quality of the Huntsville

Police Department, and brought measurable calm, security, and safety to our great Chaffee community. He has responded to numerous issues within the community and provided feedback and answers to many inquiries from residents. His attendance at the Chaffee Civic Association meetings and Community Watch meetings has made him well-known and always welcome. As a direct result of his pro-active involvement and influence as a CRO, we have a desirable neighborhood in which residents can walk and play at all times of the day.

"The Chaffee community was fortunate to have such a dedicated CRO and extends its sincere appreciation and thanks to him for his commitment and service."

Councilwoman Robinson stated that she believed they could extend that same appreciation for commitment and service to all those who served the community as First Responders.

President Culver stated to Councilwoman Robinson that he certainly shared her view and would ditto everything she had said. He continued that he would also like to ditto the things Mayor Battle had said about the Alabama League of Municipalities meeting, noting that it was a great event and he had enjoyed every minute of it.

President Culver stated that the Memorial Music Festival would be held over the weekend, noting that this was one of the oldest rhythm and blues and soul music festivals in the state of Alabama. He stated that reports indicated that on an average this brought in about \$1.2 million to the

Huntsville/Madison County economy during the two-day event.

President Culver recognized Councilman Showers.

Councilman Showers asked if Captain Rice was still present at the meeting.

Chief Mark McMurray appeared at the microphone.

Councilman Showers stated that he wanted to say to Chief McMurray and Captain Rice that the Block Party that had been held on the prior Saturday was a terrific event, and that he appreciated what the Police Department had done on this. He stated that there were a lot of activities going on, and there had been a lot of participation by young persons. He thanked Chief McMurray and Captain Rice for their support for this event.

Councilman Showers stated that he attended Johnson High School's baccalaureate, and that it was bitter sweet, noting that he and his wife had five children who had graduated from Johnson High School. He stated that this was the last observance of a baccalaureate at Johnson High School, and that he had been delighted to have been able to attend this event. He stated that the following year there would not be Johnson High School, that it would be Jemison High School, located right up the street from the current location.

Chief McMurray thanked Councilman Showers for his attendance at the Block Party, noting that Captain Rice had been able to raise enough blood at that one drive to save 7.5 lives. He stated that the Alabama A&M Police had shown up,

and that was their first joint exercise with them, and it had been a great day all around.

President Culver stated that the next item on the agenda was Unfinished Business Items for Action.

President Culver stated that the next item on the agenda was Ordinance No. 16-327, amending Chapter 3, Article II, Subsection (c) of Section 3-27, Arts & Entertainment District, of the Code of Ordinances of the City of Huntsville, Alabama, to modify the Quigley District.

President Culver moved to postpone consideration of Ordinance No. 16-327 until the next Regular Meeting of the Council, on June 9, 2016.

Said motion was duly seconded by Councilman Showers.

President Culver asked if there was any discussion of the above motion.

There was no response.

President Culver called for the vote on the above motion, and it was unanimously approved by the Council members present.

President Culver stated that the next item on the agenda was New Business Items for Introduction.

President Culver read and introduced Ordinance No. 16-362, declaring certain equipment surplus and to be donated to Downtown Huntsville, Inc.

President Culver read and introduced Ordinance No. 16-363, declaring property owned by the City of Huntsville, located at 2400 Bell Avenue, surplus and authorizing the Mayor to enter

into a lease agreement between the City of Huntsville and FRE of Alabama, LLC, for said property.

President Culver read and introduced Resolution No. 16-364, adopting the Madison County, Alabama, Natural Hazards Mitigation Plan Five-Year Update.

President Culver stated that the next item on the agenda was New Business Items for Consideration or Action.

Councilman Showers moved for approval of a request for authorization to advertise and fill one regular, full-time position of Animal Services Shelter Attendant, Grade 8, which motion was duly seconded by Councilwoman Robinson and was unanimously approved by the Council members present.

Councilman Showers moved for approval of a request for authorization to advertise and fill one Accountant I position, at a higher rate than minimum if necessary, which motion was duly seconded by Councilwoman Robinson and was unanimously approved by the Council members present.

Councilman Showers read and introduced a resolution authorizing the City Clerk-Treasurer to invoke Bryant Bank Letter of Credit No. 1172 for Heritage Brook Subdivision, Phase 1, as follows:

(RESOLUTION NO. 16-365)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the City Clerk-Treasurer to invoke Progress Bank Letter of Credit No 9000351700 for Southgate Subdivision, Phase 2, as follows:

(RESOLUTION NO. 16-366)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the City Clerk-Treasurer to invoke SouthBank Letter of Credit No. 2013-301 for Braewick, Phase 2, at McMullen Cove Subdivision, as follows:

(RESOLUTION NO. 16-367)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the City Attorney to settle the claim of Joseph Yates, as follows:

(RESOLUTION NO. 16-368)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the City Attorney to settle the claim of Charles Dickerson, as follows:

(RESOLUTION NO. 16-369)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the City Attorney to settle the workers' compensation claim of Cedric McCrary, as follows:

(RESOLUTION NO. 16-370)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an Originator Participation Agreement between the City of Huntsville and Pilgrim Mortgage, LLC, as follows:

(RESOLUTION NO. 16-371)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution

authorizing the Mayor to execute Modification No. 1 to the contract between the City of Huntsville and Family Services Center, Inc., to increase construction and CHDO (Community Housing Development Organization) budgets for property located at 2909 Wilson Drive, as follows:

(RESOLUTION NO. 16-372)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Family Services Center, Inc., for new construction of a house using HOME Investment Partnership funds, located at 2807 Barbara Drive, as follows:

(RESOLUTION NO. 16-373)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute Modification No. 1 to the agreement between the City of Huntsville and Family Services Center, Inc., for Home Investment Partnership funds, as follows:

(RESOLUTION NO. 16-374)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute Modification No. 1 to the Agreement between the City of Huntsville, Alabama and the Village of Promise, Inc., as follows:

(RESOLUTION NO. 16-375)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to approve and submit the City of Huntsville's 2016 Annual Action Plan to the U.S. Department of Housing and Urban Development, as follows:

(RESOLUTION NO. 16-376)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Academy Ltd., dba Academy Sports + Outdoors, as follows:

(RESOLUTION NO. 16-377)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute a Hold Harmless Agreement for Huntsville Fire & Rescue to conduct a training exercise on property owned by Goshawk-HTN Properties, Inc., located at 4880 University Drive, as follows:

(RESOLUTION NO. 16-378)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the low bidder, Miller & Miller, Inc., for Shields Road Rehabilitation, Project No. 65-14-BR02, as follows:

(RESOLUTION NO. 16-379)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution

authorizing the Mayor to enter into an agreement between the City of Huntsville and the low bidder, Christopher Contractors, Inc., for Periodic Bid for Various Construction Projects-2016, Project No. 71-16-SP33, as follows:

(RESOLUTION NO. 16-380)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute Modification No. 1 to the Revocable License Agreement between the City of Huntsville, Alabama, and Providence Hotel Partners II, LLC, as follows:

(RESOLUTION NO. 16-381)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution to authorize the acceptance of donations, as follows:

(RESOLUTION NO. 16-382)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution to

authorize the rescinding of donations previously accepted by Resolution No. 16-280, as follows:

(RESOLUTION NO. 16-383)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced an ordinance to amend Budget Ordinance No. 15-642 by changing the authorized strength in various departments and funds, as follows:

(ORDINANCE NO. 16-384)

Councilman Showers moved for approval of the foregoing ordinance, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced an ordinance to amend Budget Ordinance No. 15-642 by changing the appropriated funding in various departments and funds, as follows:

(ORDINANCE NO. 16-385)

Councilman Showers moved for approval of the foregoing ordinance, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into agreements with the low bidders meeting specifications as outlined in the attached

Summary of Bids for Acceptance, as follows:

(RESOLUTION NO. 16-386)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution approving travel expenditures, as follows:

(RESOLUTION NO. 16-387)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and the North Alabama Highway Safety Office (NAHSO), for project funds in the amount of \$6,000 for the Safety Belt Grant (Click It or Ticket), as follows:

(RESOLUTION NO. 16-388)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement for Preliminary Engineering between the State of Alabama and the

City of Huntsville, Alabama, regarding Project STPHV-4514(), Project Reference Number 100062235, Huntsville Northern Bypass, from 1,500 feet east of SR-1 (US 231/431) Intersection to Winchester Road in the City of Huntsville, as follows:

(RESOLUTION NO. 16-389)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement for Right-of-Way Acquisition between the State of Alabama and the City of Huntsville, Alabama, regarding Project STPHV-4514(), Project Reference Number 100062236, Huntsville Northern Bypass, from 1,500 feet east of SR-1 (US 231/431) Intersection to Winchester Road in the City of Huntsville, as follows:

(RESOLUTION NO. 16-390)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement for Utilities and Construction between the State of Alabama and the City of Huntsville, Alabama, regarding Project STPHV-8507(), Project Reference Number 100062237 and Project Reference Number

100062238, Huntsville Northern Bypass, from 1,500 feet east of SR-1 (US 231/431) Intersection to Winchester Road in the City of Huntsville, as follows:

(RESOLUTION NO. 16-391)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute Modification No. 2 to the Lease Agreement between the City of Huntsville and Huntsville Emergency Medical Services, Inc., as follows:

(RESOLUTION NO. 16-392)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers moved for approval of a request for authorization to advertise and fill the budgeted position of Drug Lab Technician, Grade 10, at higher than minimum if necessary, which motion was duly seconded by Councilwoman Robinson and was unanimously approved by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute Change Order No. 1 to the agreement between the City of Huntsville and Pearce

Construction Company, Inc., for Construction Services for the Huntsville Aquatic Center Addition, located at 2213 Drake Avenue, Huntsville, Alabama, as follows:

(RESOLUTION NO. 16-393)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to enter into an agreement between the City of Huntsville and Tetra Tech, Inc., for Engineering Services for Big Spring Park West Renovations, located at 200 Church Street, as follows:

(RESOLUTION NO. 16-394)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution authorizing the Mayor to enter into an Urban Renewal/Redevelopment Agreement between the City of Huntsville and Mid-City Owner, LLC, as follows:

(RESOLUTION NO. 16-395)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers.

President Culver recognized Shane Davis, Director of Urban Development

Mr. Davis stated that at this time he was bringing before the Council a Redevelopment Agreement between the City of Huntsville and a Redeveloper for Priority Zone 1 of the Urban Renewal/Redevelopment Plan for Cummings Research Park East.

Mr. Davis stated that the Council members would recall that in February, he had brought before them the Cummings Research Park East Urban Renewal/Redevelopment Plan, composed of approximately 500 acres, to not only help redevelop Cummings Research Park East and some areas with some blighted conditions, but also some areas outside Cummings Research Park that they believed were contributing to the overall area. He continued that through research by the Planning Department, through the BIG Picture process, and various other departments within the City, they had identified four priority zones within the Plan area.

Mr. Davis stated that Priority Zone 1 was what they were bringing before the Council at this time, noting that this was what was commonly referred to as the "Madison Square Mall" area, along University Drive and Research Park Boulevard. He stated that the Council had unanimously passed that Plan in February 2016, and that he wanted to bring the Council up to date on what they had been undertaking since the passage of the Plan.

Mr. Davis stated that as he had mentioned, Priority Zone 1

was what he would be discussing at this time. He stated that since the adoption of this Plan, the City had begun preliminary design and land acquisition for the public improvements that were identified in the Urban Renewal Plan.

Mr. Davis stated that if one would look at the display on the screen, one would see four parcels that were in various stages of land acquisition for public improvements. He continued that he would discuss those improvements momentarily.

Mr. Davis stated that the City of Huntsville was proposing a Redevelopment Land Use Plan for Priority Zone 1. He stated that he had gone over these four zones when the Plan had previously been brought before the Council, using not only the BIG Picture process but also Perkins+Will and the Chamber's efforts in the redevelopment and repurposing of some portions of Cummings Research Park East. He continued that they had come up with a Plan that they thought was conducive not only to the Cummings Research Park area but also the corridor along University Drive.

Mr. Davis stated that this was the idea that the Planning Department and the Urban Development Department had come up with as the vision and goal in the Urban Renewal/Redevelopment Plan for Priority Zone 1.

Mr. Davis stated that, as one could see on the display, fronting University Drive, it was more traditional retail use, similar to what one would see along University Drive. He stated that as one would come south into the property, it

changed into a more urban style, mixed-use development, with the very southern end being multi-family and office. He stated that to the west portion of the property was a public use park, regional stormwater retention, and also a connection to Research Park Boulevard by means of the Sanderson Road Extension, to allow a third entrance and exit to Cummings Research Park East. He stated that there would be a dedicated entrance and exit to Cummings Research Park East, noting that currently Old Madison Pike and Bradford were shared by the West Park and the East Park. He stated that they believed that would help alleviate and balance the traffic flow along Research Park Boulevard.

Mr. Davis stated that what he had just mentioned were some of the public improvements they had identified in the land use plan for outside consultants helping with the BIG Picture and also with Cummings Research Park, as to what they thought the 100 acres could be. He stated that as he had brought before the Council in February, they had done retail studies and that there was no doubt that they could not put over 1,000,000 square feet back on the property as just pure retail. He stated that they had gotten multiple market studies that supported this, so they knew the property had to be redeveloped in some other manner.

Mr. Davis stated, concerning the Planned Public Infrastructure for Priority Zone 1, that the lines that were being displayed on the screen in blue were public roads, just

as any other roads that would partake in the Capital Plan in other parts of the city. He stated that the red lines that one could see was the relocation of a very old culvert regional storm system that was currently taking storm water from the north and northeast portions of the city and traversing it south toward the Tennessee River. He indicated on the display that moving back to the west, they would be creating a regional stormwater retention infrastructure area to the west, and then public open space. He stated that the areas in white were areas that were not needed for a public purpose and were potentials for redevelopment of the site.

Mr. Davis stated, concerning the Urban Renewal Plan that was brought before the Council in February, that in that Plan there was identified public infrastructure that the City had identified they needed to partake in, to reverse blight and prevent blighting conditions and spur redevelopment. He stated that this also pointed out that the City might enter into an agreement with a redeveloper should a redeveloper approach the City with a plan that was contiguous and in the spirit and met the visions and goals of the Urban Renewal Plan.

Mr. Davis stated that they were bringing the Council a developer at this time that had done exactly this, that he had come forth to the City and offered to be the redeveloper of Priority Zone 1 for areas that were not needed for public infrastructure. He stated, concerning the project character that had been brought before the City and they were bringing

before the Council at this time, that MidCity Huntsville would be a Master Plan mixed-use project that would be focused on creating a 24/7 environment with diverse and complementary uses. He stated that the overall project must be designed to have covenants and design guideline standards to not only set the usual character of the development but also to preserve the area's character long term, to prevent reoccurring blighting conditions. He stated that MidCity Center would provide a redevelopment plan in compliance with the overall objectives set forth in the City's Urban Renewal/Redevelopment Plan.

Mr. Davis stated that MidCity Center had brought a plan to them that he would present to the Council that would be in four phases. He continued that these phases were color-coded in a rough draft of what the redevelopment plan would be. He stated that Phase 1 would be Retail and Mixed-Use; Phase 2 would include Mixed-Use, Retail, Hotel, and some type of Office mixture. He continued that Phase 3 would be Commercial Mixed-Use with Multi-Family; and the remaining phase would be pure Multi-Family.

Mr. Davis stated that next was the Developer's commitments for Priority Zone 1, should the Council approve MidCity Center as the Redeveloper entity to assist the City in Priority Zone 1. He stated that upon approval of the Redevelopment Agreement that was before the Council at this time, the Developer would agree to work with the City to develop Project Development Design Guidelines and Covenants to

ensure that their project would meet the intent of the Cummings Research Park East Urban Renewal/Redevelopment objectives and plans.

Mr. Davis stated that the Developer also agreed to cooperate in providing right-of-way and land for the public improvements identified in the Cummings Research Park East Plan that were currently within the Developer's control of property. He continued that the Developer also agreed to assist the City with the construction of a regional retention facility and demolition of City-acquired property should that be needed. He stated further that the Developer agreed to construct a mixed-use project, as he had previously described, in four phases, in a style and character to be approved by the City.

Mr. Davis stated that this meant that if the Council approved this at this time, they would be solely approving MidCity Center to work with the City to be the Redeveloper. He stated that after passage of this, in 60 days or less, the Developer would present to the City a design guideline, in style and character, and a formal layout of what the project would actually consist of. He stated that they would then have the ability to approve or deny this. He stated that the Council would not be approving any style or character at this time, only that they would be the Redeveloper that would work with the City.

Mr. Davis stated that the Developer had agreed that a minimum of 70 percent of the new tenant retail must be new to

the market, noting that there was a Cannibalization Clause within this agreement so that the City would not be just building public infrastructure to move existing retailers into the area, noting that they believed they would gain nothing from that. He stated that they did not want to take in a blighted area and bring it up while creating blight at another location.

Mr. Davis stated that the Developer also agreed that the City would have Change of Control approval for the redevelopment project should a transfer occur to a new developer. He stated that they were protected in this regard, that they would know who they would be dealing with through the phases. He stated that the Developer planned to assist and donate their labor and some costs to the City and help them build the regional stormwater public improvements.

Mr. Davis stated, concerning the minimal square footages that were in the current Development Agreement, that, of course, the Developer could overproduce this square footage. He stated that, however, they wanted to define the commitment to the Developer to ensure that they should be considered as the Redeveloper for the project. He stated that there was a minimum of 150,000 square feet of commercial/office space that must be met within the redevelopment, and a minimum of 350,000 square feet of retail space that must be met within the development. He continued that there was a minimum of at least 100 rooms of hotel development, and a minimum of 560

multi-family units. He stated that as the project grew, these numbers could change in a positive direction, but that these were the minimums.

Mr. Davis stated, as far as the City's commitments should the Council approve this group to be the Redeveloper of the non-public new properties within Priority Zone 1, that upon approval of this agreement, the Developer and the City would agree to work together to form the design guidelines, the final layout, and the final land use plan and bring that back before the Council and ask that they adopt that plan. He stated that this would show the style and character that the Developer must meet for the exterior of the buildings, the covenants that would be placed on the project to protect not only the area's investment in Research Park and the corridor, but also hopefully prevent 30 years from this date coming back and having an issue with the property such as they had at this time.

Mr. Davis stated that the City would agree to continue with the implementation of various public improvements as set forth in the current Cummings Research Park Urban Renewal/Redevelopment Plan, the commitments that were made back in February, as a body of the public, to say that these were important public infrastructure needs for the area. He continued that they were just committing that they were going to stay on track with the commitments they had made the prior February to the public. He stated that at a minimum, the City

would agree to construct the Urban Renewal Public Improvements within a timetable that would coincide with the Developer's schedule to construct each phase. He continued that they would focus on Priority Zone 1. He stated that the Council might recall that they had several improvements through four priority zones. He continued that because they had a Redeveloper willing to start in a priority zone at this time, they would focus their efforts in that Priority Zone 1. He stated that the City would not be obligated to construct any Urban Renewal Public Improvements until they owned the property they needed to construct those improvements.

Mr. Davis stated, concerning the Redevelopment Timeline that currently was in place, that should the Council approve this resolution at this time, the remainder of the calendar year the Developer would work on bringing the City a design guideline that they would have the right to approve, and that once it was approved, the Developer would start design phases, and the City would start some design with the public improvements.

Mr. Davis stated that Phase 1 of the project would start in early 2017. He continued that the size, scope, and scale of Phase 1 was fairly large, and it would most likely take approximately 20 months to fully complete the sections that would come on line through the calendar year, and that the total completion would be in 2018.

Mr. Davis stated that Phase 2 had a contractual obligation

to start no later than January 1, 2019; and that Phase 3 had a contractual obligation to start no later than January 1, 2021, and the same for Phase 4. He stated that the Developer had the right to accelerate these, and that he felt there was a great possibility, with the right momentum, that that would happen.

Mr. Davis stated, concerning the next steps, that upon the Council's approval of this resolution at this time, should they so desire, the Developer would submit a plan for the Council to review, for the public to review, and for the Council to approve. He stated that this would be a design guideline that would set up specific land use components, where those components would be, similar to the phase plan that he had shown the Council previously. He stated that there would be design guidelines and standards and development covenants for MidCity Huntsville. He continued that the City would approve the redevelopment plan and design guidelines, and that would finish the agreement. He stated that the City would continue with the implementation of public improvements in accordance with the Urban Renewal/Redevelopment Plan for Priority Zone 1.

Mr. Davis stated that what was being displayed was a rendering that they had put together with the Planning Department as to what a mixed-use project could look like on this site when it would be fully built out.

Mr. Davis stated that he would take any questions that any of the Council members might have.

President Culver recognized Councilwoman Robinson.

Councilwoman Robinson inquired of Mr. Davis if they knew what the cost was going to be to the City.

Mr. Davis replied in the negative. He continued that they had committed to these public infrastructures in February. He stated that one thing he would say about the cost was that it would be more manageable with a redeveloper, that rather than doing Sanderson Road to Research Park Boulevard at one time and wondering if they would get a return on investment, they would do it in pieces and phases as the subject project would get off the ground, so that it would be much more manageable. He stated that he believed that over a period of five to seven or eight years, it would be in the 10 to 12 million dollar range. He stated that if one took into consideration what they had done on the Parkway to redevelop some of that property, it was in line with those type projects.

Councilwoman Robinson asked what their return on investment was going to be.

Mr. Davis stated that they had run some preliminary numbers, and that he would present those should the Developer bring them a design guideline that would be approved. He stated that they would have it more concrete as to the uses, and they would certainly bring that information to the Council. He continued that they had done some preliminary numbers, and they were very significant, that the payback would be approximately 18 months.

Councilwoman Robinson stated that one of the very

interesting things in this to her was the Cannibalization Clause, which she noted said that 70 percent of the retail that would be brought in would not be found within that existing trade area. She asked what the boundaries were of that trade area.

Mr. Davis stated that the boundaries were pretty large for that area. He continued that in the city they had multiple retail trade areas, that the Parkway was a trade area, and that Parkway Place Mall South was kind of a trade area, that they kind of saw the shopping patterns, and that those citizens did not go out west as much, just as the citizens out west did not come in to south of the corridor. He stated that the boundary for the subject area was Jordan Lane to the east, a little north of Capshaw Road to the north, just west of Jeff Road, and south of I-565. He stated that it was a very large area to protect, that it was where a lot of new retail growth had occurred, and they wanted to protect the investments in those locations. He continued that they believed they were doing a good job to protect this.

Councilwoman Robinson stated that one of the things they had noticed with the construction on South Parkway was that the incentives that were built into the contract had certainly moved the work along quickly. She asked if there would be any kind of timeline incentives in the subject agreement.

Mr. Davis stated that he did not believe so. He continued that there was a penalty. He stated, concerning the public

improvements, that they had agreed to do these improvements in concert with the Developer's phasing. He stated that should they spend \$1 million to extend Sanderson Road, and the Developer did not start that phase, and the City would complete the road, that even though it was in the Urban Renewal Plan that had been passed in February that this was a road need to the public, the Developer would reimburse 50 percent of the cost for this public infrastructure. He continued that they were protected in that sense should they have to accelerate and not get a return on investment or the project not move forward. He stated that they would then actually have a developer help build public improvements the Council had already approved.

Councilwoman Robinson stated that at the Chamber Board meeting earlier in the day, she was able to get a really close look at the Cummings Research Park Plan and noted that this was an integral part of that plan. She stated that, unlike some of the comments that had been made in this meeting, she felt the Cummings Research Park Plan was very visionary and smart, and that it was going to be tremendously beneficial for Huntsville in the long run.

Councilwoman Robinson asked what would happen if they did not go forward with the subject plan.

Mr. Davis stated that they had studied that a lot. He continued that through the BIG Picture process in the last 18 months, they had identified some gray fields, noting that there were several throughout the city, with

Madison Square Mall being one of them. He stated that if they started cannibalizing areas without any control, whether it would be an office space in Cummings Research Park East, et cetera, it would just not be a vibrant area where employees would want to be, and if a company wanted to keep that smart asset of an employee base they had, they would want to move somewhere so that the employees would be in an environment in which they wanted to be. He continued that this would be the same with a retailer, that if their shopper did not want to be in that corridor, a retailer would move where that shopper would patronize them. He stated that this would continue to get worse, that he could tell them that the Mall was at this time approximately 70 percent vacant and that property values in that area had decreased by 80 percent.

Mr. Davis stated that one of the things that had let him know that this site was important to the entire community was that during the BIG Picture process with Dennis Madsen and the Planning staff, it had not mattered if there had been a public involvement meeting in North Huntsville, Hampton Cove, or South Huntsville, that when they talked about retail, they had all asked what they were going to do with this site. He continued that this was because it was an iconic place. He stated that in 1983 when it had opened, it was on the fringe of Huntsville. He continued that everyone had a memory there, and that now when they passed by it, it was not the memory they once had, and they didn't like that. He stated that he felt it would

affect the Park, the growth in the Park. He continued that Ms. Reed had asked what they could do to help restore some of the vacant buildings and stated that they had to create an environment and maintain the environment so that persons would want to lease these buildings.

Councilwoman Robinson stated that, also, the decrease in sales tax revenue and other revenues that had come from the Park would be reversed, as well, with this project.

Mr. Davis stated that, as he had mentioned in February when he had brought the Plan before the Council, property tax and sales tax had drastically diminished in the area. He stated that that was one thing to look at, but, also, the amount of crime and police reports. He continued that in looking at the data for the Urban Renewal Plan, to have 1400 calls for service for this area in one calendar year was astounding. He stated that all the pieces pointed to the fact that they had to roll their sleeves up and work on this matter. He stated that it had served the city well for 30 years, and it had served Research Park well. He stated that things had kind of moved to the west side of 255 and Cummings Research Park West, and it was serving it well. He continued that they believed the redevelopment of this area would serve this area just as Bridge Street in that area served Cummings Research Park West.

Mr. Davis stated that he could also share with the Council that since they had passed what he had brought before them in

February, two of the four Priority Zone sites had active projects they had been approached concerning. He continued that that was what an Urban Renewal Plan was supposed to do, to encourage that private development with some public reinvestment. He stated that that was what was before the Council at this time.

President Culver recognized Councilman Showers.

Councilman Showers asked Mr. Davis to explain the impact this development would have on Bridge Street and Parkway Place.

Mr. Davis stated that that was a very good question, and that that was why they had been very firm in their Cannibalization Clause. He stated that they did not have an idea as to what type retail would be on this property, but they wanted to make sure the project type that would be on the site would be a complement to something such as Bridge Street or Parkway Place, or Providence, noting that they had a little legacy that was starting to develop there. He continued that they wanted a project that complemented Research Park and Bridge Street, as well as the entire University Drive corridor. He stated that they believed they had brought an agreement before the Council that would protect these places, that they would certainly want to enhance them and not compete with them. He stated that this was their desire, and it had been their desire in February when they had brought the Plan before the Council.

President Culver asked if there was any further discussion on this matter.

There was no response

President Culver stated that he was certainly concerned with all the businesses in Huntsville, but more specifically the ones that were in proximity of this location, such as Bridge Street and Providence. He stated that Mr. Davis had given some reassurance that those areas would not be cannibalized. He stated that perhaps it would be helpful if they could meet with some of the surrounding developers such as Providence, and perhaps Bridge Street, to get their input on this.

Mr. Davis stated that they had done this since February, that he had had numerous discussions with the owners of Bridge Street, and they were supportive of the project. He stated that they realized they were one of two regional shopping malls in the city. He continued that what he told persons was that Huntsville was a two-mall town. He stated that Parkway Place was very healthy and Bridge Street was very healthy. He stated that when they had passed the Urban Renewal Plan, that, naturally, they had wanted to know what was going on. He continued that they encouraged this redevelopment, because a lot of their shoppers also shopped in the University Drive corridor, and they realized that if that group left, then a portion of their shoppers would have left, which put a threat on a major investment in the heart of Cummings Research Park

called "Bridge Street." He stated that they had a Cannibalization Clause in this so that they did not just pick up those people and move them down to this location, that they wanted to make sure that what they did put at this location would hopefully bring more shoppers to Bridge Street, as well as to the other businesses on University Drive.

President Culver asked if there was any further discussion of the above resolution.

There was no response.

President Culver called for the vote on Resolution No. 16-395, and it was unanimously adopted by the Council members present.

Mr. Davis thanked the Council for their continued support.

President Culver stated that the next item on the agenda was Legal Department Items/Transactions. He reiterated that agenda items 16.b.2.a and 16.b.2.b had been deleted from the agenda.

Councilman Showers read and introduced a ordinance vacating a portion of a utility and drainage easement, Lots 1 and 2, Lily Flagg Office Complex, 8000 and 8002 Charlotte Drive (Harrell), as follows:

(ORDINANCE NO. 16-396)

Councilman Showers moved for approval of the foregoing ordinance, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced an ordinance vacating a portion of a utility and drainage easement, 304 Devon Circle SE, Piedmont Subdivision (Harrison), as follows:

(ORDINANCE NO. 16-397)

Councilman Showers moved for approval of the foregoing ordinance, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

Councilman Showers read and introduced an ordinance vacating a portion of a utility and drainage easement, Lot 1 Block 10, Fagan Springs Estates 5th Addition, 415 Owens Drive (Parker), as follows:

(ORDINANCE NO. 16-398)

Councilman Showers moved for approval of the foregoing ordinance, which motion was duly seconded by Councilwoman Robinson and was unanimously adopted by the Council members present.

President Culver read and introduced a resolution consenting to the vacation of a portion of right-of-way, Lots 2, 4, 6, 8, 13, 15, 17 and 19, between Cooper Street and Viduta Place (McCracken/Bagley), as follows:

(RESOLUTION NO. 16-399)

President Culver moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council

members present.

President Culver read and introduced an ordinance authorizing the vacation of a portion of right-of-way, Lots 2, 4, 6, 8, 13, 15, 17 and 19, between Cooper Street and Viduta Place (McCracken/Bagley), as follows:

(ORDINANCE NO. 16-400)

President Culver moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

Mr. Riley submitted the following deed for approval:

(DEED)

Whereupon, Councilman Showers moved for approval of the foregoing deed, which motion was duly seconded by Councilwoman Robinson, and was unanimously approved by the Council members present.

President Culver stated that the next item on the agenda was Non-Roster Communications from the Public. He stated that if persons wished to address the Council, they should position themselves in proximity to a microphone, and that when it was their turn to speak, they would have approximately three minutes in which to address the Council.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that she might need the rest of the night after seeing what the Council had just done. She stated that the exact same Master Plan that she had been talking about was what the Council had just passed. She stated that she was

disappointed and disgusted with every one of them. She asked if they were going to purchase the 560 acres. She stated that the public did not know enough about this at this time for the public to vote on Cummings Research Park. She stated that taking the city back was not going to be fast enough for her. She stated that she was sad and disappointed with what the Council had done. She stated that they just threw a plan out, and she would try to get information on it.

Ms. Reed stated that they had already given the city away, that they should look at the apartments downtown. She stated that they had given them probably a \$5 million piece of property. She stated that she had been told that the City had not built the parking garage, but that "construct" meant building it. She stated that in 20 years they might get their money back, but she doubted it.

Ms. Reed asked how much they were going to give away at Research Park. She asked who was going to own the land, who the Developer was. She asked when a developer bought a piece of land, why didn't they come in and bring it before the public, and let the developer tell them what he was going to do. She asked if the City was going to buy the property for the Developer and hand it to him and do tax increment financing. She continued that tax increment financing was a property tax on a person's property.

Ms. Reed stated that three members of the Council had voted in favor of this. She continued that she would have

requested that they wait until the other two members of the Council were present, but that they were in a hurry, that they saw big money. She stated that when they saw big money rolling, every one of them was going to vote on it. She stated that she was sad to say that.

Ms. Reed stated that she had been attending Council meetings for 30 years, and this was not the best government she had ever been to, and she was saddened. She stated that her picture would look worse on her brochure than it ever had because of what they had done at this meeting. She stated that she was sad, and she would go home even sadder after what she had seen at this meeting.

Ms. Reed stated that they had retirees that were leaving the city, and that they should have used some of the money they were giving this developer and let some of these people work with them for six months to a year. She stated that people were struggling, that the City was in trouble, she was sorry to say.

Dr. Clarence Johnson, 3302 Buttrey Drive, appeared before the Council, stating that he would like to suggest that in the Communications from the Public if a person exceeded his time and did not seem to be satisfied, that perhaps he would be informed that this portion at the end of the meeting would also be another opportunity for him to address the Council. He stated that he felt Mr. Truitt had not really finished what he wanted to say.

Dr. Johnson stated that, also, he would like to thank the City Council and the Mayor, noting that Huntsville was in the Top 10 of the fastest growing cities in the nation. He continued that, however, growth hurt, especially in areas where persons were accustomed to certain ways of living for long periods of time. He stated that, also, with growth, they needed to be mindful of the underprivileged and those who were less fortunate. He stated that the Cummings Research Park initiative appeared to be great, but that it was not in the most economically challenged area. He stated that he would like to urge the Council to make sure that something was happening in what was called "North Huntsville" for commercial development.

Dr. Johnson stated that his purpose in appearing before the Council at this time was to point out that on April 28th, he had come before the Council and read a Freedom of Information Request under Alabama's Open Records Law. He continued that he had addressed this to Mayor Battle, to President Culver, with a courtesy copy to Councilman Showers. He stated that Mr. Hamilton, the City Administrator, had received the copies from him, and that Mayor Battle had informed him that he would give a copy to the City Attorney, Mr. Riley.

Dr. Johnson stated that as of this time, he had not heard anything from this, and that he had not heard from President Culver or Councilman Showers as to whether they had

even received the document. He stated that under the Open Records Law, under the Freedom of Information Act, he did not think the information he had requested was challenging, that it should be available to communities and those who were concerned citizens working to bring about parity and justice within the community. He continued that as such, he served as the Social Action person for the Greater Huntsville Interdenominational Ministerial Fellowship, and also with North Huntsville Community United For Action as the Social Justice Chairperson.

Dr. Johnson stated that he was greatly concerned about justice in the city, that he was concerned about transparency, which Mayor Battle and the Council always spoke about. He stated that his concern was not as an adversary but to somehow figure out how they could work together and bring up North Huntsville. He stated that he had spoken with Chief McMurray on his way in and had said to him that he would like to get on his calendar to talk about North Huntsville. He stated that summer was coming, or that, actually, it was here.

President Culver thanked Dr. Johnson for sending him a copy of his request. He stated that it did take some time to process it, noting that he had been involved in retrieving such data during some previous times, and it was time consuming. He assured Dr. Johnson that he would get the information he requested.

President Culver recognized Mr. Byron Thomas, Director of

Human Resources.

Mr. Thomas stated that he just wanted to state that his department was in receipt of the request, and they were working on it, and they would get the requested information as soon as possible.

President Culver stated to Pastor Johnson that he would offer his apologies to Mr. Truitt, noting that he had assumed that he was aware that he had two opportunities for public comment.

Mr. Tyler Truitt again appeared before the Council, stating that he actually wanted to thank them for cutting him off earlier, because he believed that illustrated his point perfectly, that all of the persons in the audience were nothing but a three-minute time limit to the Council. He continued that he had been thinking a lot lately about "consent" and what that meant. He stated that in the Declaration of Independence, it said that governments derived their just powers from the consent of the governed. He stated that perhaps they had also heard that silence equals consent.

Mr. Truitt stated that he could not be silent any more, because he did not consent. He stated that he did not consent to Ordinance 73.3.1, that he did not consent to what they were trying to do to him, and that he did not consent to what had been done to other people in this city.

Mr. Truitt asked anyone else in the room who felt the way he did to stand with him at this time for liberty. He asked

Mayor Battle if he would stand with him for liberty.

Mayor Battle replied that he would not for what Mr. Truitt believed.

Mr. Truitt stated that for all the persons on the podium who said that affordable housing was not a crime and that green energy was not a crime, he wanted to ask why they didn't act like it.

President Culver recognized Mayor Battle.

Mayor Battle stated to Mr. Truitt that he had his beliefs, and his beliefs were his beliefs, and he had every right to have the beliefs he had, but that his beliefs had to fall within a society. He continued that as one fell within a society, one had to make sure that one worked within that society.

Mayor Battle stated that Mr. Truitt had moved a trailer into an area that was zoned not to have trailers. He stated that this matter had not started with the City of Huntsville going down to Mr. Truitt's property to do something, that it had started with a neighbor calling in and saying that someone had a trailer at that location and trailers were not allowed. He continued that the City had to enforce the laws they had, and that the laws the City had said that in the zone where Mr. Truitt was, trailers were not allowed.

Mayor Battle stated that Mr. Truitt had contested this, and that he had every right to contest it. He stated that Mr. Truitt had taken it to court, and he had lost in court. He

continued that Mr. Truitt had taken it to the Supreme Court, and he had lost in the Supreme Court, that he had lost all the way up and down the line, and at some point he had to say he was going to become a part of society. He stated that if he was not going to become a part of society, he would run into problems.

Mayor Battle stated that he would like to invite Mr. Truitt to be a part of society, to work with them, that they would love to work with him. He continued that, unfortunately, there was not much he could do. He stated that Mr. Truitt's home was a trailer, and that it was in a zone where it was not allowed. He stated that he was sorry, but it was not. He stated that that was the law of the city of Huntsville, and Mr. Truitt had contested that law, and he had found that that had not worked.

Mayor Battle stated that he was sorry Mr. Truitt felt the way he did, but, unfortunately, they had to live by laws, that they had certain rules and certain rights, and that Mr. Truitt's neighbors had certain rights also. He stated that Mr. Truitt's neighbors, in an area where homes were supposed to be, had a right to say that they wanted homes in that area, because that was the law, that that was what these persons had bought into when they had bought their houses, that they had known that this area required homes to be in the area, not trailers.

Mayor Battle stated that when Mr. Truitt had bought the

property he bought, he knew that the law was that he could not put a trailer in there. He continued that if Mr. Truitt had not known this previously, he did know once he was served. He stated that the law was something that a community had to have, that a society had to have, that any intellectual society had to have. He stated that he was sorry Mr. Truitt was not involved in it at this time, but that it was part of a civilization and part of society.

Mr. Truitt asked to be recognized.

President Culver stated that that was an ex parte communication from Mayor Battle, a one-way communication.

President Culver stated to Mayor Battle that he knew the City of Huntsville would continue to work with Mr. Truitt in whatever ways they could that would fall within the legal ordinances and State laws that they had in Huntsville and in the State of Alabama.

Mr. Daniel England, 120 Mardis Point Road, Joppa, Alabama, appeared before the Council, stating that his concern was that if Mr. Truitt did not have a right to have his house on his property, what gave Huntsville City the right to allow persons to live in tents right behind him without power. He stated that this was his main question concerning this problem.

President Culver asked if there was someone in attendance at the meeting who could address this question, perhaps someone from Community Development.

There was no response.

President Culver stated to Mr. England that he had his information and asked if perhaps after the meeting, he could provide him with a phone number, and he would have someone contact him and get his questions answered. He asked if that would be satisfactory with Mr. England.

Mr. England replied in the affirmative.

President Culver asked if there was anyone else in the audience who wished to address the Council at this time.

There was no response.

Upon motion, duly seconded, the meeting was adjourned.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER